

CHAPTER 1 : GENERAL PROVISIONS

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:-

“accommodation unit” in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

“Act” means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;

“approved” means approved by the municipality;

“authorised agent” means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under this by-law;

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

“Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

“connection pipe” means a pipe, the ownership of which is vested in the municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SABS 0252 Part I;

“connecting point” means the point at which the drainage installation joins the connecting sewer;

“connecting sewer”

means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way leave or by agreement;

“consumer”

means –
any occupier of any premises to which or on which the municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality has agreed to provide water services; or
a person that obtains access to water services provided through a communal water services work;

“drain”

means that portion of the drainage installation that conveys sewage within any premises;

“drainage installation”

means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping

	installations forming part of or ancillary to such systems;
“drainage work”	includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;
“duly qualified sampler”	means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised agent;
“effluent”	means any liquid whether or not containing matter in solution or suspension;
“emergency”	means any situation that poses a risk or potential risk to life, health, the environment or property;
“environmental cost”	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
“fixed quantity water delivery system”	means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
“flood level (1 in 50 year)”	means that level reached by flood water resulting from a storm of a frequency of 1 in 50 years;
“flood plain (1 in 50 year)”	means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;
“high strength sewage”	means sewage with a strength or quality greater than standard domestic effluent;

“industrial effluent”	means effluent emanating from industrial use of water, includes for purposes of this by-law, any effluent other than standard domestic effluent or storm water;
“meter”	means a water meter as defined by the Regulations published in terms of the Trade Metology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100mm, a device which measures the quantity of water passing through it;
“municipality”	means the Municipality of Laingsburg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
“occupier”	means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
“owner”	means – the person in whom from time to time is vested the legal title to premises; in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;

in any case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;

in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;

in relation to –

a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or

a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

“person”

means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“pollution”

means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it –
less fit for any beneficial purpose for which it may reasonably be expected to be used; or
harmful or potentially harmful –

to the welfare, health or safety
of human beings;
to any aquatic or non-aquatic
organism;

“premises”	<p>means any piece of land, the external surface boundaries of which are delineated on –</p> <p>a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937);</p> <p>or</p> <p>a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);</p> <p>a register held by a tribal authority;</p>
“prescribed tariff or charge”	<p>means a charge prescribed by the municipality;</p>
“public notice”	<p>means notice to the public in a manner determined by the council;</p>
“sanitation services”	<p>has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;</p>
“sewage”	<p>means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;</p>
“sewage disposal system”	<p>means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage;</p>
“sewer”	<p>means any pipe or conduit which is the property of or is vested in the municipality and which may be used</p>

for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

“standard domestic effluent”

means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

“terminal water fitting”

means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

“trade premises”

means premises upon which industrial effluent is produced;

“water fitting”

means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

“water services”

has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

“water supply services”

has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

“wet industry”

means an industry which discharges industrial effluent;

“working day”

means a day other than a Saturday, Sunday or public holiday;

“property”

includes land, erf, site, building or portion thereof;

“metered connection”

a water connection through which the quantity of water flows is measured or can be measured;

“medical health officer”	the person appointed by the Council in this capacity or acting in this position or authorised by Council to act on his behalf;
“main water plumbing”	any pipe, aqueduct or other work under the exclusive control of the Council and used by the Council for the purpose of conveying water to consumers, but does not include any water connection as described herein;
“identity document”	the document referred to in the Act on identification, 1997 (Act no. 68 of 1997);
“inspector or authorized official”	the chief executive officer, works foreman, treasurer, health officer or any person appointed by the Council in connection with the application or execution of these regulations or any person authorized by the mentioned officers in terms of the Council's delegation to act on their behalf;
“calendar month”	any month, irrespective of the number of days, commencing immediately after 12 o'clock midnight on the last day of the preceding month to 12 midnight on the last day of the month in question;
“agreement”	a document to be completed and signed by the consumer in a form prescribed by the Council from time to time;
“municipal water-reticulation or water supply”	any pipe, meter, stopcock or any other apparatus or equipment which is the property of or directly under the control of the Council or which can be used to supply water to a consumer;
“private water distribution system”	any water reticulation on any property or in any private building not the property of the Council or not falling under the control of Council, but

	through which water supplied by the Council flows or is able to flow;
“municipal manager”	the person appointed by the Council in that capacity or acting in that position or authorized by the Council to act on his behalf;
“city engineer”	the person appointed by the Council in this capacity or any person legally acting in this position or authorized by the Council to act on his behalf;
“chief financial officer”	the person appointed by the Council in that capacity or acting in this position or authorized by the Council to act on his behalf;
“consumer”	any person, public body, company or co-operation entitled to the supply of water or obliged to use water supplied by the Council;
“month of consumption”	the period between two dates upon which a meter is read, with a maximum of twelve readings per annum;
“water connection”	a pipe laid from the main water reticulation to the property of any owner or consumer up to the exit of the meter, including all fittings and meters;
“meter”	any appliance authorized by the engineer to measure the quantity of water flowing through; and
“council”	the Laingsburg Municipality

Any word or expression used in this by-law to which a meaning has been assigned in –

the Act will bear that meaning; and
the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations

will in respect of Chapter 3 bear that meaning, unless the context indicates otherwise.

Any reference in Chapter 1 of this by-law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which it is applicable.

CHAPTER 2 : WATER SUPPLY SERVICES

Demand for water

2. Any owner or consumer who desires to be supplied with water by the council applies to the council on the prescribed form obtainable at the office of the chief financial officer in terms of the provisions of any Acts, by-laws, tariff schedules and conditions contained in the by-laws, as approved by the council from time to time.

The purpose for which the supply is requested may not be altered before the chief financial officer is advised thereof in writing.

The applicant must produce an identity document at the signing of the agreement. Should the applicant not be a South African citizen a valid passport must be furnished.

After the authorized official has agreed to the provision of water, the applicant must sign an agreement. No water is supplied before this agreement has been signed and the deposit referred to in section 19 of this by-law has been paid.

No person shall take or be supplied with water from the water supply system unless he has made application to the Council on the prescribed form for a supply of water and such application has been granted.

If water is required for building purposes, excluding smaller alterations or additions to existing buildings, application for a separate water connection must be made for each property against payment of the prescribed charges.

No person may remove water or cause or allow it to be removed from his site or property for use elsewhere, except with the prior permission of the city engineer.

The council reserves the right to require from the owner or consumer to install additional meters in order to measure consumption for different purposes or from different consumers.

Only natural persons above the age of 21 years and/or who are of legal capacity may conclude an agreement with the council.

Insolvent and other persons who are not of legal capacity may only conclude an agreement with the permission and assistance of his/her curator or legal guardian, provided such curator or guardian accepts to settle the full account in

the event of default.

If the owner/consumer is not a natural person, an authority to conclude an agreement must be presented.

An identity document must be submitted personally with the signing of the agreement.

It is not required from parties married in community of property that both parties sign the agreement but both parties are held liable separately and jointly for payment of the account.

Supply of water

3. After the provisions of this by-law have been met, the council provides a connection.

The placing of the connection is determined by the city engineer. The council has the authority to determine or to limit the size of any water connection.

All fittings of a private distribution system supplied, installed and maintained in good order at the cost of the owner or consumer.

The whole of the municipal distribution system, which does not form part of the private water-distribution system, is laid by and maintained at the cost of the council.

Should the agreement referred to in section 2(4) be terminated, the council may cut-off the supply in question and remove the meter.

Council not obliged to provide a water connection

4. The council is not obliged to provide a water connection or to ensure a supply of water to a property within a specific period of time after submission of an application for supply to the chief financial officer.

The order in which connections are undertaken is determined solely by the city engineer.

Connection for building purposes

5. Before a connection is made for building purposes the applicant must pay the cost of supply and installation as determined by the council by special resolution.

Payment will only be accepted upon provision of a certificate from the medical health officer to the effect that his requirements in respect of the provision of sanitary facilities on the building site are adequate.

If approved by the city engineer, a similar connection as supplied for the permanent supply of a property may be used in terms of this by-law, but no connection in respect of such a permanent supply may be made before the procedure prescribed in section 2 has been met.

Water connections only by council officials

6. Only an authorized official of the council or a contractor approved beforehand by the chief: civil services may make a connection to a main water-reticulation.

Compulsory municipal water-supply within the municipality

7. Subject to this by-law each owner of a property which is occupied permanently or temporarily obtains water from the council for human consumption, provided the council agrees to provide a supply.

Water connection with other water sources

8. No person may make any connection between any main wherein municipal water flows or is able to flow and any private well, borehole, fountain or any other source of supply or allow it to be constructed or to exist.

No person may allow any rainwater or storm water to come into contact or mix with any storage-tank, container or water main used or is able to be used for water which is supplied by the council.

Private connections

9. No property may be connected to a private distribution system of another property.

Separate occupation

- 10.1 If portions of a building are occupied separately, the supply of water to the property or portions thereof is made subject to the following stipulations:
- 10.2 If the owner of a group or cluster buildings undertakes to pay for the water supplied, the city engineer has the authority to allow the supply of water to the group or cluster buildings by means of one connection.
- 10.3 When more than one building or portion of a building is served from one connection, a separate stopcock to each building or portion of a building must be provided by the owner in order that the supply to such a building or portion of a building may be cut-off without interrupting the supply to the other consumer points. The stopcock before the water meter is the property of the

council and is out of bounds for the owner/public.

Only one water connection per property

11. Properties not covered by the stipulations of section 10 of this by-law are not entitled to a supply by way of more than one connection, with the understanding that, it may be allowed by the city engineer only, if it appears to him that hardship or serious discomfort or other similar circumstances otherwise may arise.

Single connection – existing buildings

12. In cases where existing buildings are provided with water by way of a single connection and it is deemed necessary to undertake a removal, alteration or extension of a communal pipe inside the buildings or boundaries of the buildings or if a change of owner of a building which previously formed part of a block or row of buildings which belonged to one owner takes place, each owner affected by the exchange must apply to the council for a separate connection.

Compulsory use of water-meter

13. All water supplied by the council must flow through a municipal meter.

Water-meters and accessories supplied by the council

14. All meters taps, meter boxes, pipes and other fittings supplied by the council in terms of this by-law, remain the property of the council and fall under the control of the city engineer at all times.

Placing of water-meter

15. The city engineer has the right to install a meter on the property of a consumer when he considers it necessary and to demand that he undertakes such alterations as are necessary for the installation of a meter at own cost.

A meter may not be built-in or obstructed in such a way that the meter and fittings are not easily removable for replacing, testing or maintenance.

Regarding normal wear and tear the council maintains and repairs at own cost any connection it installed. If it appears, however, that repairs to a particular meter is necessary due to deliberate and/or negligent damage or in error by the consumer, the consumer is responsible for the cost of repairs.

Repairs and replacement of water-meters

16. The council reserves the exclusive right at any time to test, repair or replace a meter which is the property of the council or falling under its control.

Water-meter registering incorrectly

17. If a consumer is of the opinion that his meter registers his consumption incorrectly, he may apply to the chief financial officer to have the meter tested by the city engineer.

The request must be submitted to the chief financial officer on the prescribed form and must be accompanied by the testing fee as determined by the council by special resolution.

The test results by the city engineer about the correctness of the meter is final and binding on the consumer.

If the city engineer finds that the actual supply registered by the meter reflects a deviation exceeding the norm indicated in the Act on Trade Methodology (Act 77 of 1973), the testing fee will be refunded to the consumer, but not if the deviation is less than the indicated norm.

Any correction of consumption applies only by addition or subtraction and is calculated on the consumption from the last normal reading prior to the date of receipt of the testing fees, irrespective of the period of the year or any other circumstances.

Average consumption – meters out of order

18. The quantity of water consumed during the period the meter was out of order, is calculated on the average consumption during the preceding three months of the nearest unbroken period of three months before or after the period the meter was out of order. Determining this uninterrupted period rests entirely with the chief financial officer.

Calculations of deposits

- 19.1 The deposit referred to in section 2(4) is calculated as follows:
- (a) Barring in the case of the Government of the Republic of South Africa (including the Western Cape Administration, the South African Postal Service, TELKOM and TRANSNET) or any other type of consumer approved by the council, every applicant requiring in supply must, before such a supply is provided, pay an amount to the council which, in the opinion of the chief financial officer is equal to the cost of the probable maximum consumption of the applicant during any two or as many subsequent months as the council may determine.

- (b) Notwithstanding the provisions of subsection 1(a) the chief financial officer can, as security for the payment of any amount the applicant may be indebted for the supply, instead of payment of an amount as deposit, accept a guarantee from an approved bank or other financial institution, for an amount calculated as determined in subsection 1(a), with the understanding that the total amount of such guarantee is not less than R5 000,00. No interest is payable by the council on any amount paid in cash as deposit.

19.2 The chief financial officer reserves the right to inform any owner or consumer that the deposit is increased where such deposit is not adequate to cover the cost of the maximum quantity referred to in Section 19(1)(a) and (b). The consumer must deposit the additional amount immediately. If such an amount is not deposited within 30 days the council reserves the right to cut off the supply.

19.3 The deposit is calculated at the termination of the agreement against any debt to the council in respect of accumulated levies, the balance of which, if any, together with any credit balance on the account is forfeited to the council if not claimed by the consumer within a period of 12 months from that date.

Quantity of water registered and payment applicable therefor

20. Subject to the provisions of this by-law the amount of water registered through the meter is regarded as the amount in fact supplied. The consumer must pay for the quantity so registered in accordance with the tariff determined by the council by special resolution.

All levies owing to the council for water must be paid before the 15th of the calendar month following on the calendar month in which the account in respect of the levy was forwarded.

Forwarding of documents

21. Any instruction, notice or document to be handed to or forwarded to any person in terms of this by-law can be handed to or forwarded by delivery of the original thereof along one of the following means:

to such a person personally or his duly authorized agent;

by forwarding such instruction, notice or document per pre-paid certified or registered mail, in an envelope bearing his last known home or business address or post box number. Such a document is regarded as delivered at the time at which the letter would have been delivered in the normal course of delivered mail;

to a responsible person above the age of 16 years on the property belonging to or occupied by the person on whom it is to be served;

by attaching the instruction, notice of document to a conspicuous place against the building, if the person referred to in sub-section (3) cannot be traced;

deliver the document at such an address on one of the abovementioned ways, if the person chose a domicilium citandi, or

any directives, notice or document to be delivered to the owner or occupant of a property in terms of this by-law can be addressed to the "owner" or "occupant" of the property in question without reference to the name or any description of the owner or occupant.

Access and inspection by officials

- 22.** The inspector or authorised official of the council will have the right of access to any property in order to determine whether the provisions of this by-law have been met.

Obstruction of officials

- 23.** No person may refuse any authorised officer of the council access to a property or to prevent, or cause that he be prevented, to conduct his duties and powers in accordance with this by-law.

Inspection

- 24.1** An officer may for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he may deem necessary, and for those purposes operate any water fitting of the water installation.
- 24.2** If the Council considers it necessary that work be performed to enable an officer to perform a function referred to in section 2.52 properly and effectively, it may –
- (a) By written notice require the owner or occupier of the premises at his own expense to do specified work within a specified period: or
 - (b) If in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.
- 24.3** If the work referred to in section 2.53 is carried out for the sole purpose of establishing whether a contravention of this by-law has been committed and no such contravention is established. The Council shall bear the expense connected therewith together with that of restoring the premises to its former condition, but it shall not otherwise bear such expense.

24.4 If an officer requires the presence of –

- (a) an owner at an inspection of his water installation; or
- (b) a registered contractor doing installation work at an inspection of such work; or
- (c) a registered contractor's responsible plumber at an inspection of work being done under his control,

he may give that person written notice of not less than two working days to that effect, indicating the date and time when and the place where he proposes to carry out the inspection.

Refusal to furnish information

25. No person may refuse to furnish information or withhold information or intentionally furnish false information to an authorized official, who is executing a provision of this by-law.

Waste, misuse or contamination of water

26. No person may deliberately or negligently waste, or misuse water or allow any apparatus becoming defective by which municipal water is wasted.

No person shall commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the council either in whole or in part, and used by it in connection with the supply of water, unless such act is specifically authorized by it in writing.

Steps to prevent wastage

27. If water is wasted or misused or a leakage occurs, the owner or consumer must personally be advised in writing of the necessary steps to take to stop the wastage, misuse or leak.

Should the owner or consumer fail to take the steps mentioned, a notice must be delivered to him wherein he is instructed to stop the waste, misuse or leakage within a specified period.

If the owner or consumer still neglects or refuses to take the necessary steps, it is regarded as a contravention of this by-law and the council can further, without any redress against the council, cease the supply and/or arrange for the necessary repairs to the private distribution system at the cost of the owner or consumer, in which case the latter is also responsible for any levy as mentioned in the council's financial by-laws.

Interruption and/or inadequate supply

- 28.** The council is not liable for any damage or compensation as a result of a lack in the quality of the water supplied, a failure to deliver water, or any disruption in the supply.

No responsibility to maintain a specific water pressure

- 29.** The council is not obliged to maintain a specific pressure in its distribution system anywhere and at any time.

Water supply to sites on higher levels

- 30.** No water shall be supplied to premises situated above a level that can be served by the normal pressure from the water main of the municipality unless the owner of such premises provides and maintains in a satisfactory manner at own cost a self-contained and automatically-controlled pumping system together with a tank capable of holding not less than half a day's supply of water for such premises. Such plant and storage tank may be inspected and the water supply from the tank tested chemically and bacterially as required by the local authority. The supply of water drawn from the water main to be metered on the supply of the pumping installation.

Overtaxing supply system

- 31.** If the council's supply system may become overtaxed it is the responsibility of the owner or consumer to take precautionary measures to supplement the supply from a reservoir or container or gravity tank or other methods approved by the city engineer in writing.

Disruption in water supply system

- 32.** If the owner or consumer is dependent upon a continuous supply of municipal water it is his duty to provide for an interruption of at least 12 hours.

Damage to council works

- 33.** No person may damage any of the water-works of the council, commit any action, cause or allow it to be committed by which any well, borehole, windmill, source, fountain, stream, river, retaining wall, dam, reservoir, building, site or any equipment is damaged, harmed, weakened, disfigured or destroyed.

Only an authorized official may concern himself in any way what so ever with any fire hydrant, tap, pipe reticulation, apparatus, pressure meter, water meter,

pump or anything belonging to the council.

Unauthorised connections

- 34.** Any person not abiding by the provisions of this by-law may not take any municipal water or allow it to be taken or make any connection or allow it to be made with the distribution of the council.

Unauthorised linking to water connection

- 35.** No person may make any linking coupled directly to the main supply by means of a pump or other similar equipment without the written consent of the city engineer. No appliance or machine which can cause vibrations in any pipe may be coupled directly to a connection.

Consumer stopcock

- 36.** Each consumer or owner must install a stopcock at his own cost in his main supply pipeline in the consumer side of the meter, in a position approved by the city engineer and with which his entire supply of water to his property can be cut-off. The stopcock before the meter is out of bounds for the owner/public.

Delay to repair private water distribution system

- 37.** In the event of misuse, waste or excessive use or unnecessary leakage in a private distribution system, the authorized official can request the owner or consumer in writing to undertake the necessary repairs, including alterations or renewals within 7 days from serving thereof.

If the owner or consumer delays to adhere to the request mentioned in section 2.72 hereof, the council can commission any licensed plumber or his own officials to undertake the necessary repairs or to execute the necessary alterations or renewals at the cost of the owner or consumer.

In addition the owner or consumer remains responsible for any levies of the council in terms of its financial regulations.

Recovering of costs by council

- 38.** In all cases where the council undertakes work in terms of this by-law for which costs can be recovered from a person and in respect of which no specific tariff is determined in this by-law, the costs are calculated in terms of this by-law or any other Act.

Any costs in respect of the breaking up or repair to a street, or in the case of repairs to any property or land, can be added to the costs referred to in section

2.74 hereof.

Vacation and occupation of property

- 39.** Any owner or consumer to whom the council supplies water in terms of an agreement and who intends to vacate the premises and accordingly wishes that his responsibility be terminated, must give written notice thereof to the chief financial officer at least 6 days before date of vacation.

If an owner or consumer fails to give notice in terms of section 2.76 he remains responsible for the consumption until notice is given accordingly.

Owners or consumers intending to occupy a building or desiring a supply from the council, must similarly advise the chief financial officer in writing at least 6 days in advance and complete the prescribed contract with the council.

Curtailling – water supply

- 40.1** The council reserves the right, without detriment to its rights to claim payment for water supplied to the owner or consumer, to cut off or refuse the supply as seen fit, if the consumer:

- (a) fails to pay the amount owing to the council in terms of this by-law with the exception of consumers who qualify for an indigent subsidy in terms of the council's policy for indigent households;
- (b) deliberately or negligently damages or allows a main-supply, connection pipe-meter or any other equipment of the council utilized or able to be utilized in connection with the supply, to be damaged;
- (c) contravenes any of this by-law;
- (d) interfered with any equipment under the control of the council, used or enabled it to be used in connection with the supply or unnecessarily interferes, tampers with or allows it to be tampered with.

The council is not responsible for any damage suffered by the owner or consumer as a result of cutting off the supply, if this was done in the bona fide belief that the latter is guilty of any of the transgressions mentioned in section 40.1.

Before the council resumes the supply to the owner or consumer, the latter must pay to the council the reconnection fee as determined by the council by special resolution as well as any monies due in terms of this by-law.

Special agreement for water supply

41. Not any of these sections would however prevent the council supplying water to any owner or consumer in a way other than in terms of this by-law and to conclude a special agreement with any person in respect of the supply, or the quantity of water to be supplied, with the understanding that the provisions of such an agreement correspond with this by-law.

Termination of agreement

42. The council or the owner or consumer may at any time terminate an agreement in terms of this by-law in writing to one another at least 6 days before the intention to do so.

Onus on consumer

43. Any contravention of this by-law on the property of an owner or consumer is regarded as a contravention by the owner or consumer until he proves the contrary.

Sale by consumer forbidden

44. No owner or consumer may sell, exchange or provide any municipal water without the written consent of the council.

Cutting-off of supply

45. The city engineer may temporarily cut off the supply in any main supply or connection or linkage at any time to effect repairs or alterations to any system or apparatus.

Restriction, contamination and corrosion

46. Unless otherwise provided by this by-law, no pipe wherein water flows or can be lead may be laid in the same drain as any sewer, container, drain, manure hole or similar place or in any ground containing lime, ash, salt or acid waist or in any unsuitable ground liable to settlement or through, or under concrete where it could have a detrimental affect on pipe.

In the event of a container, drainage pipe or any other place as aforementioned is in the unavoidable course of the pipe, such a pipe shall be passed through an exterior pipe of material approved by the council.

Depth, cover and position of pipes

- 47.1 Pipes laid underground outside buildings must be at least 50cm below the surface or otherwise suitably protected against the weather or possible injury.

- 47.2** Pipes inside buildings shall be sufficiently supported to prevent sagging and should be suitably protected against injury.

Stand pipes and exterior pipes

- 48.** Stand pipes or other pipes projecting above the ground and not otherwise secured to any structure shall be securely attached, anchored or affixed to avoid unnecessary movement.

A hose pipe may only be coupled to the private distribution system of an owner or consumer on the consumer side of the stopcock.

Underground containers

- 49.** No underground container for the collection or storing of municipal water intended for human consumption may be utilized.

Special water restrictions

- 50.1** Council may limit or discontinue the provision of water supply services or the use of water where –

- (a) national disaster or regional disasters cause disruptions in the provision of services; or
- (b) sufficient water is not available for any other reason.

- 50.2** Council may differentiate between types of consumers or areas within the municipal area.

- 50.3** Council may determine the form and manner in which the limitation, discontinuance or use will apply.

- 50.4** If the council should announce water restrictions in terms of section 4 of the Act on Water Services (No. 108 of 1997), any person using municipal water during the restricted hours or for any forbidden or other purposes specified by the council is guilty of a contravention of this by-law and action against such a person can be undertaken as follows:

- (a) punishment as provided in section 54 of the Act on Water Services (No. 108 of 1997);
- (b) suspension of water services until such a consumer has undertaken in writing that he will not again commit a similar offense and he compensated the council with the cost resulting from such action; and
- (c) that the consumption occurred during the period during which the

offense was committed, is assessed at a higher tariff as authorised by the council.

Onus of proof in council records

51. The entries in the books of the council in respect of the quantity of water consumed are regarded as correct until the owner or consumer proves otherwise;

It is not necessary for the person reading the meter or who made the entry to testify in order to confirm the accuracy of the reading or entry by producing the entry record in question.

Metered and unmetered extinguisher-supply

52. When an agreement for the supply of water is concluded between an owner or consumer and the council, one or two separate approved connections respectively for domestic use and for fire-extinguisher purposes, or an approved joint connection for the property for both domestic as well as fire-extinguisher purposes will be installed, with the understanding that:

water supplied through a connection for domestic consumption as well as fire-extinguisher purposes on a property, whether collective or separate, will be fitted with meters provided the fire-extinguisher is coupled to a separate pipe-system and in no way to the domestic system;

water from the fire-extinguisher is drawn solely for the combating of fire;

if in the case where water for fire-fighting purposes is not metered and water is in fact used by an owner or consumer for another purpose, or a temporary or permanent connection is made with the unmetered fire-extinguisher system enabling water being used for a purpose other than combating a fire, then:

it is a contravention of this by-law;

the chief financial officer can debit the owner or consumer with an estimated consumption during the illegal connection with the unmetered fire-extinguisher system as he may determine; and

the chief financial officer can compel the owner or consumer to pay the fees for the provision of a meter by the council metering all consumption, including that for combating fire on the property or site;

the communal and separate connection is provided to the satisfaction of the city engineer;

an owner or consumer may prefer requesting for a joint or separate connection through which all water consumed on the property is metered.

Water-pressure gauge for fire-extinguisher system

53. A pressure gauge in the main supply feed of the fire-extinguisher system, reflecting the water-pressure in kN/m² or kPa or Bar must be supplied, installed and maintained by and at the cost of the owner or consumer in a conspicuous and protected place on the property.

Approval water fire-extinguisher system

54. No water fire-extinguisher system may be linked to a connection for fire fighting purposes before the city engineer has certified in writing that the system has been satisfactorily installed in accordance with this by-law.

Official documents

55. An order, notice or document issued in terms of this by-law is deemed properly issued and valid if signed by the municipal manager, chief financial officer, city engineer or medical health officer.

Penalty for infringements of by-law

56. Anyone transgressing any of the provisions of this by-law or neglects giving affect thereto is guilty of an offence and if found guilty punishable with a fine or imprisonment.

Subject to a court order, a person must pay to the council any costs incurred, through the mediation of an attorney, to collect any amount due to the council by that person in terms of this by-law.

Application of by-law

57. This by-law applies to all properties, consumers or owners falling within the municipality, with the understanding that –
- (1) it is not expected from the owner or consumer to affect alterations or replacement of existing distribution systems which were legally in use on the property, immediately prior to the date of coming into force of this by-law, except in cases as defined in subsection (2).
 - (2)(a) if any appliance or a private distribution system is found by the city

engineer in such a condition or position that wastage, excessive usage, abuse or able to cause incorrect reading or can damage or the medical health officer is of the opinion that contamination, pollution or a danger of pollution or contamination of municipal water is caused or can be caused, the council could without any claim by the owner or consumer against the council, cut off the supply and/or, compel the owner or consumer to affect the necessary replacement or alteration as stipulated in this by-law within 14 days after written notice by the city engineer or medical health officer;

- (b) if the owner or consumer neglects to affect] the necessary replacement or alteration, the council can have the work undertaken at the cost of the owner or consumer and to recover such expenditure, plus any levies in terms of the council's financial by-laws, from the owner or consumer. In any event, neglect or refusal to affect the replacement or alteration as instructed is a contravention of this by-law.

Levies

- 58.** The following provisions will apply with the application of the tariffs: -

if water is applied for different purposes without being metered separately, the levy is on the highest tariff scale as determined by the council for the purposes in question in the applicable case in question;

the onus rests with the owner or consumer if he questions the determination of the tariff, and

the applicable business tariff is applied unless a meter has been installed in respect of each residence supplied with water separately.

Showers, hand wash basins and public urinals

- 59.1** Three years after the promulgation of these by-laws the following may not be installed –

a shower head with a maximum flow rate exceeding 10 litres per minute where the dynamic water pressure is more than 200 Kpa at the shower control valve, and where the plumbing is designed to balance the water pressures on the hot and cold water supplies to the shower control valve;

a tap on a hand wash basin with a maximum flow rate that exceeds 6 litres per minute;

a cistern, and related pan designed to operate with such cistern, where the cistern capacity is greater than 6 litres;

a cistern intended for use that is not fitted with flushing devices allowing interruptible or multiple flushes, excluding a cistern with a capacity of 4,5 litres or less; and

a urinal that is not user-activated.

- 59.2** All flushing urinals that are not user-activated installed prior to the commencement of these by-laws, must be converted to user-activated urinals within three years of the promulgation of these by-laws.

Car washing facilities and commercial laundry facilities

- 60.** A commercial vehicle washing facility or laundry facilities constructed after promulgation of these by-laws must be constructed and operated in such a manner that at least 50% of the water used by such facility is recycled for re-use in that facility.

Surcharge

- 61.** A surcharge, as approved by the council, shall be added to each account not paid at the offices of council on or before the 15th day of each month following the month in respect of which the account was rendered, or the first day on which the offices of council is open if the 15th falls on a Saturday, Sunday or public holiday; with the understanding that a portion of a month for the application of this stipulation be regarded as a month.

Liabilities and compensation

- 62.** The Council shall not be liable for damages or compensation arising from anything done by it terms of this by-law.

Relaxation or waiver

- 63.1** The Council may, in an individual case, relax or waive the requirements of a provision of this by-law upon such conditions as it may deem fit to impose, if it is of the opinion that the application or operation of that provision in that case would be so unreasonable as to cause substantial prejudice of a nature or degree which was not intended to flow from the enactment of the provision, and if it is of the opinion that either –
- (a) the purpose for which the clause has been enacted has substantially been attained in that case or will be so attained upon compliance with the conditions imposes: or
 - (b) the need to attain that purpose is for any reason absent in that case.

Prescribed charges

64. The Council may, by special resolution, prescribe the charges payable under this by-law.

Supply of free water

65. Council may during the annual consideration of tariffs for the supply of this service, take a resolution to supply free basic water to consumers as prescribed on National level or as determined by council.

CHAPTER 3 : SANITATION SERVICES

Standards and General Provisions

Standards for Sanitation Services

66. Sanitation services provided by the municipality will comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

Objectionable Discharge to Sewage Disposal System

- 67.1 No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance –

which does not comply with the standards and criteria prescribed in sections to below;

which contains any substance in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;

which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;

which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;

which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);

which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the municipality for the sewage disposal system, other than in compliance with the permissions issued in terms of this by-law; and

which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.

No person shall cause or permit any storm water to enter the sewage disposal system.

The municipality may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with this by-law and to report such findings to an authorised agent.

If any person contravenes any provision of section or section he or she shall within twelve hours, or earlier if possible, advise the municipality of the details of the contravention and the reasons for it.

Application for Infrastructure

68.1 If an agreement for on site sanitation and associated services in accordance with section exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and –

pay the prescribed charge for the installation of necessary infrastructure;
or

with the approval by the municipality and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the municipality.

68.2 A municipality may specify the type of on site sanitation services to be installed.

Services Associated with On-site Sanitation Services

69.1 The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the municipality in accordance with a removal and collection schedule determined by the municipality.

- 69.2** Copies of the collection and removal schedule will be available on request.

Charges in respect of Services Associated with On-site Sanitation Services

- 70.** Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

Charges shall be payable in terms of the municipality's tariff policy when the service is rendered.

Provision of a Connecting Sewer

- 71.1** If an agreement for the use of the sewage disposal system in accordance with section exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and –

pay the prescribed charge for the installation of such a connecting sewer; or

with the approval by the municipality and at the request of the owner, install the connecting sewer in accordance with any specifications of the municipality.

- 71.2** If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the municipality may agree to the extension subject to such conditions as it may impose.

Location of Connecting Sewer

- 72.1** A connecting sewer provided and installed by the municipality or owner in terms of section shall –

be located in a position agreed to between the owner and the municipality and be of a size determined by an authorised officer;

terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the municipality or over which it has a servitude or other right or when subsection applies, at the connecting point designated in terms of that sub-section;

72.2 In reaching agreement with an owner concerning the location of a connecting sewer, the municipality shall ensure that the owner is aware of

practical restrictions that may exist regarding the location of a connecting sewer pipe;

the cost implications of the various possible locations of the connecting sewer;

whether or not the municipality requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality to connect to such installation.

72.3 A municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

72.4 An owner must pay the prescribed connection charge.

72.5 Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the municipality.

Provision of one Connecting Sewer for Several Consumers on Same Premises

73.1 Notwithstanding the provisions of section only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

73.2 Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the municipality may, in its discretion, provide and install either –

a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or

a separate connecting sewer for each accommodation unit or any number thereof.

73.3 Where the municipality has installed a single connecting sewer as contemplated in section 72.1, the owner or the person having the charge or management of the premises, as the case may be –

must if the municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units –

- (i) a separate connecting sewer; and
- (ii) an isolating valve;

will be liable to the municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.

73.4 Notwithstanding section 72.1, the municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

73.5 Where the provision of more than one connecting sewer is authorised by the municipality under section 72.4, the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

Interconnection between Premises

74. An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the municipality and complies with any conditions that it may have imposed.

Disconnection of Draining Installation from Connecting Sewer

75. The municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if –

the agreement for provision has been terminated in terms of section 12 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or

the building on the premises concerned has been demolished.

Acceptance of Sewage Delivered by Road Haulage

- 76.** A municipality may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipality's sewage treatment plants by road haulage.

Written Permission for Delivery of Sewage by Road Haulage

- 77.1** No person shall discharge sewage into the municipality's sewage treatment plants by road haulage except with the written permission of the municipality and subject to such period and any conditions that may be imposed terms of the written permission.
- 77.2** The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs or charges.

Conditions for Delivery of Sewage by Road Haulage

- 78.1** When sewage is delivered by road haulage –
- (a) the time of delivery shall be arranged with the municipality; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of the municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these by-laws.

Withdrawal of Permission for Delivery of Sewage by Road Haulage

- 79.** The municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge sewage by road haul if the person–
- fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or in the written permission; or
 - fails or refuses to comply with any notice lawfully served on him or her in terms of this by-law or contravenes any provisions of this by-law or any condition imposed on him or her in terms of any permission granted to him or her; and
 - fails to pay the assessed charges in respect of any sewage delivered.

Application for Disposal of Industrial Effluent

- 80.1** A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the municipality in terms of section 2(1).
- 80.2** The municipality may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- 80.3** The provisions of Chapter 1 will *mutatis mutandis* apply to any permission to discharge industrial effluent.
- 80.4** Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of section 80.1.

Unauthorised Discharge of Industrial Effluent

- 81.1** No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the municipality and in accordance with the provisions in this part.
- 81.2** A person to whom such permission is granted shall pay to the municipality any prescribed charges.

Quality Standards for Disposal of Industrial Effluent

- 82.1** A person to whom permission has been granted in terms of section 61 must ensure that no industrial effluent is discharged into the sewage disposal system of the municipality unless it complies with the standards and criteria set out in Schedule A hereto.
- 82.2** The municipality may by writing in the permission concerned, relax or vary the standards in Schedule A, provided that the municipality is satisfied that any such relaxation or variation represents the best practicable environmental option.
- 82.3** In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality will consider –

whether the applicant's undertaking is operated and maintained at optimal levels;

whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;

whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the municipality;

the cost to the municipality of granting the relaxation or variation; and

the environmental impact or potential impact of such a relaxation or variation.

- 82.4** Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down in a written permission.

Conditions for Disposal of Industrial Effluent

- 83.1** The municipality may in the written permission or at any time, by written notice, require a person to –

subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sewage disposal system;

install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;

install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;

construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;

provide all such information as may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;

provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to

prevent a discharge into the sewage disposal system which is in contravention of these by-laws;

cause any meter, gauge or other device installed in terms of the Section to be calibrated by an independent authority at the cost of that person at such intervals as required by the municipality and copies of the calibration to be forwarded to it; and

cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the municipality and provide it with the results of these tests when completed.

- 83.2** The cost of any treatment, plant, works or analysis which the person mentioned in section 83.1 may be required to carry out, construct or install in terms of section 83.1 shall be borne by the said person;
- 83.3** The written permission of the municipality must be obtained for any proposed changes to the composition of industrial effluent discharge into the sewage disposal system.
- 83.4** In the event that industrial effluent that does not comply with the standards in Schedule A or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the municipality must be informed of the incident and the reasons therefore within twelve hours of such discharge.

Withdrawal of Written Permission for Disposal of Industrial Effluent

- 84.1** The municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person –
- fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of this by-law or the written permission;
 - fails or refuses to comply with any notice lawfully served on him or her in terms of this by-law or contravenes any provisions of this by-law or any condition imposed in terms of any permission granted to him or her; or
 - fails to pay the assessed charges in respect of any industrial effluent discharged.
- 84.2** The municipality may on withdrawal of any written permission –
- in addition to any steps prescribed in these by-laws, and on written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the municipality's tariff of charges; and

refuse to accept any industrial effluent until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in this by-law.

Measurement of Quantity of Standard Domestic Effluent Discharge

- 85.1** The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the municipality; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- 85.2** Where a premises is supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

Measurement of Quantity of Industrial Effluent Discharged

- 86.1** The quantity of industrial effluent discharged into the sewage disposal system shall be determined –
- where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
- until such time as a measuring device is installed by a percentage of the water supplied by the municipality to that premises.
- 86.2** Where a premises is supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard industrial effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.
- 86.3** Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipality may on application reduce the assessed quantity of industrial effluent.

Reduction in the Quantity Determined in terms of Sections 66 and 67

- 87.1** A person shall be entitled to a reduction in the quantity determined in terms of sections 66 and 67 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the municipality that the said water was not discharged into the sewage disposal system.
- 87.2** The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.
- 87.3** The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- 87.4** The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 (three) months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the municipality, after due consideration of all relevant information.
- 87.5** There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or is in contravention of this by-law.

Construction or Installation of Drainage Installations

- 88.1** Any drainage installation constructed or installed must comply with any application specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- 88.2** (a) Where the drainage installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having –
- (i) a pit of 2 m³ capacity;
 - (ii) lining as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit;
- (b) The ventilated improved pit latrine must conform with the following specifications –
- (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
 - (ii) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
 - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must

- be well ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (v) must be sited in a position that is independent of the residential structure;
 - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
 - (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
 - (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
 - (ix) the latrine must have access to water for washing hands.

Drains in Streets or Public Places

- 89.** No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the municipality, except with the prior written permission of the municipality and subject to such conditions as it may impose.

Construction by Municipality

- 90.** The municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this by-law or the Building Regulations, will be constructed by the municipality against payment, in advance or on demand, of all costs associated with such construction.

Maintenance of Drainage Installation

- 91.1** The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- 91.2** Any person who requests the municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- 91.3** A municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any

section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

Installation of Pre-treatment Facility

92. A municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

Protection from Ingress of Floodwaters

93. Where a premises is situated in the 1 in 50 years flood plain the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

Supply of free sanitation service

94. Council may during the annual consideration of tariffs for the supply of this service, take a resolution to supply a free sanitation service to consumers as prescribed on National level or as determined by council.

SCHEDULE A : QUALITY STANDARDS

Acceptance of industrial effluent for discharge into the sewage disposal system

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions:

The effluent shall not contain concentrations of substances in excess of those stated below –

Large Works general quality limits are applicable when an industry's effluent discharges in a catchment leading to a sewage works of greater than 25 M/d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M/d capacity.

	GENERAL QUALITY LIMITS	LARGE WORKS > 25 M/d	SMALL WORKS < 25 M/d	UNITS
1.	Temperature (C)	< 44 C	< 44 C	Degrees Celcius
2.	PH	6 < pH < 10	6,5 < pH < 10	pH units
3.	Oils, greases, waxes of mineral origin	50	50	mg/
4.	Vegetable oils, greases, waxes	250	250	mg/
5.	Total sugar and starch (as glucose)	1 000	500	mg/

6.	Sulphates in solution (as SO ₄ ⁻)	250	250	mg/
7.	Sulphides, hydrosulphides (as S ⁻) and polysulphides	1	1	mg/
8.	Chlorides (as C ⁻)	1 000	500	mg/
9.	Fluoride (as F ⁻)	5	5	mg/
10.	Phenols (as phenol)	10	5	mg/
11.	Cyanides (as CN ⁻)	20	10	mg/
12.	Settleable solids	Charge	Charge	m/
13.	Suspended solids	2 000	1 000	mg/
14.	Total dissolved solids	1 000	500	mg/
15.	Electrical conductivity	-	400	MS/m
16.	Anionic surfactants	-	500	mg/
17.	C.O.D.	Charge	Charge	mg/
Heavy Metal Limits				
18.	Copper (as Cu)	50	5	mg/
19.	Nickel (Ni)	50	5	mg/
20.	Zinc (Zn)	50	5	mg/
21.	Iron (Fe)	50	5	mg/
22.	Boron (B)	50	5	mg/
23.	Selenium (Se)	50	5	mg/
24.	Manganese (Mn)	50	5	mg/
25.	Lead (Pb)	20	5	mg/
26.	Cadmium (Cd)	20	5	mg/
27.	Mercury (Hg)	1	1	mg/
28.	Total Chrome (Cr)	20	5	mg/
29.	Arsenic (As)	20	5	mg/
30.	Titanium (Ti)	20	5	mg/
31.	Cobalt (Co)	20	5	mg/
TOTAL METALS		100	20	mg/

Special limitations

1. No calcium carbide, radio active waste or isotopes.
2. No yeast and yeast wastes, molasses spent or unspent.
3. No cyanides or related compounds capable of liberating HCN gas or cyanogen.
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C.